

REMARKSThe Restriction Requirement

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-19 drawn to a composition comprising (a) an apoptosis inducing anti-cancer agent and (b) a compound of formula (A), classified in class 514, subclasses 374 and 534.

II. Claims 20 and 21 drawn to a method for inhibiting tumors and cancer in a mammal comprising the step of administering to said mammal a composition comprising (a) an apoptosis inducing anti-cancer agent and (b) a compound of formula (A), classified in class 514, subclasses 374 and 534.

In response, applicants elect Group I, without traverse, for further prosecution in this application. This election is made expressly without waiver of applicants' rights to continue to prosecute and to obtain claims to the non-elected subject matter either in this application or in other applications claiming benefit herefrom.

Pending allowance of claim 1, applicants request the rejoinder of methods claims 20-21 (Group II) pursuant to MPEP §821.04.

Election of Single Invention

The Examiner has requested that applicants elect an anti-metabolite from claim 13. In response, applicants provisionally elect fludarabine.

Applicants request that the Examiner expand the scope of the search to also include the other five anti-metabolites listed in claim 13, namely cytarabine, 5-fluoro-2'-deoxyuridine, gemcitabine, hydroxyurea, and methotrexate.

In view of the above, applicants request that the Examiner examine claims 1-19 (Group I) in this application. Applicants request favorable consideration and early allowance of the pending claims.

Conclusion

Applicants request that the Examiner enter the above election, and allow the pending claims to pass to issue.

Respectfully submitted,



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